

29.03.2022

Serial no. 120

[Dd]

(anticipator bail

Allowed)

CRM(A) 676 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **486** of **2021** dated **22.11.2021**(G.R. No. **1109 of 2021**) under Sections **417/376/120B** of the Indian Penal Code.

-And-

In the matter of : **Biswajit Chakraborty**

... .. Petitioner

Mr. Barun Kumar Samanta, Advocate

... .. *For the Petitioner*

Ms. Faria Hossain,

Mr. Anand Keshari, Advocates

... ..*For the State*

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner is a Border Security Force personnel. The petitioner was falsely implicated. In fact, there was a love relationship between the petitioner and the de facto complainant. The complaint was lodged 11 months after the alleged incident.

Learned advocate appearing for the State draws the attention of the Court to statement of the victim recorded under Section 164 of the Criminal Procedure Code.

The victim is 26 years of age. In her statement recorded under Section 164 of the Criminal Procedure Code, she admits a relationship between her and the petitioner therein.

Considering the statement of the victim recorded under Section 164 of the Criminal Procedure Code and considering the gravity of the offence and involvement of the

petitioner therein and considering the fact that the petitioner is a BSF personnel, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer at such time and place as may be specified by the Investigating Officer till the conclusion of the investigation and on further condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM(A) 676 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)